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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 BRENDAN DUNCKLEY,

11 Petitioner,

12 vs.

13 STATE OF NEVADA, *et al.*,

14 Respondents.
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) 3:13-cv-00130-HDM-VPC
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ORDER

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17 This action was opened by the Clerk of Court as an action for a writ of habeas corpus by a
18 state prisoner, pursuant to 28 U.S.C. § 2254. Petitioner has submitted an application to proceed *in*
19 *forma pauperis*. (ECF No. 1). However, no petition has been submitted. Unless an issue of federal
20 constitutional or statutory law is implicated by the facts presented, there is no cognizable claim under
21 federal habeas corpus. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). As there is no petition filed in
22 this action, it will be dismissed, without prejudice to filing a petition as a new action.

23 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT**
24 **PREJUDICE** for failure to present a habeas corpus petition.

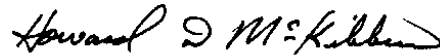
25 **IT IS FURTHER ORDERED** that all pending motions, including the application to proceed
26 *in forma pauperis* (ECF No. 1), are **DENIED**.

1 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of
2 an *in forma pauperis* application form for a prisoner, two copies of a blank 28 U.S.C. § 2254 habeas
3 corpus form, and one copy of instructions for both forms.

4 **IT IS FURTHER ORDERED** that petitioner may file a habeas petition, but any such
5 petition must be opened as a new case. **No further documents shall be filed in this case.**

6 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

7 Dated this 15th day of April, 2013.

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10 UNITED STATES DISTRICT JUDGE
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